

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BRIAN HARRIS,  
#22066-78**

**v.**

**UNITED STATES OF AMERICA**

§  
§ **Civil Case No. 6:20-cv-60-JDK-JDL**  
§ **Crim. Case No. 6:13-cr-113-1**  
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**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is Brian Harris' motion to vacate or correct his federal sentence under 28 U.S.C. § 2255. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On May 12, 2021, Judge Love issued a Report recommending that the Court dismiss this motion because Ingram's ineffective assistance of counsel argument lacked merit. Docket No. 11. A copy of this Report was sent to Movant. To date, no objections to the Report have been filed.


This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Movant did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221

(5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 11) as the findings of this Court. It is therefore **ORDERED** that Harris' motion to vacate or correct his federal sentence is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. All motions not previously ruled on are **DENIED AS MOOT**.

So **ORDERED** and **SIGNED** this 17th day of **June, 2021**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE